

PTO/SS/30 (08-03)

#10

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Stephen Marcus
Special Program Examiner
Group 3700
6/1/04

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-------------------|
| Application Number | 10/088,076 |
| Filing Date | March 8, 2002 |
| First Named Inventor | Gerber, Ernst |
| Art Unit | 3722 |
| Examiner Name | Cadigan, Erica E. |
| Attorney Docket Number | 753-11 PCT/US/RCE |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other Amendment After Final filed October 3, 2003 ✓
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. **Miscellaneous**

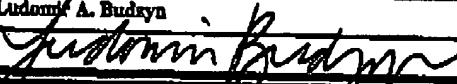
- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-2461
 - i. RCE fee required under 37 CFR 1.17(e)
 - ii. Extension of time fee (37 CFR 1.138 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ 385.00 1 enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|------------------|
| Name (Print/Type) | Ludomir A. Budyn | Registration No. (Attorney/Agent) | 40,540 |
| Signature |  | Date | November 5, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

| | |
|-------------------|---|
| Name (Print/Type) | Amanda F. Shaw |
| Signature |  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

DATE: March 29, 2004FACSIMILE TRANSMISSION COVER SHEET

TO: Examiner Erica Cadugan/GAU: 3722
USPTO/USSN: 10/088,770

FAX NO.: 703-308-6395 703-746-7230

FROM: Lou A. Budzyn, Esq.

SENDER: Marguerite J. Mullin

HOFFMANN & BARON, LLP
ATTORNEYS AT LAW

NY OFFICE

6900 JERICHO TURNPIKE
BOULEVARD
SYOSSET, N.Y. 11791

TELEPHONE: 516-822-3550
TELECOPIER: 516-822-3582

NJ OFFICE

1055 PARSIPPANY
PARSIPPANY, N.J. 07054
TELEPHONE: 973-331-1700
TELECOPIER: 973-331-1717

NUMBER OF PAGES TO FOLLOW: 2

Examiner Cadugan:

The attached Request for Continued Examination and postcard are true and correct copies of the originals filed with the USPTO on November 10, 2003.

Ludomir Budzyn
Ludomir A. Budzyn
ATTY. REG. NO. 40,590

CONFIDENTIALITY NOTICE

The document(s) contained in this transmission is(are) confidential and/or legally privileged information of the law firm of Hoffmann & Baron, LLP. This information is intended for use by the individual or entity named on this transmission cover sheet.

If you are not the intended recipient, please be advised that any disclosure, copying, distribution or action taken in reliance on the contents of this information is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone so that we can arrange for its return.

If there are any problems with this fax, please call the office location marked above. Thank you for your cooperation.

BEST AVAILABLE COPY